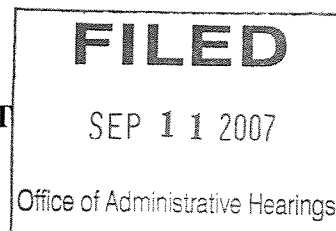


COMMONWEALTH OF KENTUCKY
ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
FILE NO. AAO-28726-039



ENVIRONMENTAL AND
PUBLIC PROTECTION CABINET

PLAINTIFF

VS

SECRETARY'S FINAL ORDER

PREGIS INNOVATIVE PACKAGING, INC.

DEFENDANT

* * * * *

THIS MATTER being before the Secretary upon the Report and Recommended Order of Steven Blanton, Hearing Officer, and the Secretary having considered said Report and Recommendation, and any exceptions filed thereto, and being sufficiently advised,

IT IS HEREBY ORDERED AND ADJUDGED as follows:

1. The Hearing Officer's Report and Recommended Order filed in the Record on August 6, 2007 is **ADOPTED** and incorporated by reference herein, as if set forth verbatim.

2. The parties have agreed that Pregis Innovative Packaging, Inc. (Pregis) has fully and timely complied with the Secretary's Order To Discontinue, Abate and Alleviate, which Order was entered on July 26, 2007. Pregis timely submitted and obtained the Cabinet's approval for a Compliance Plan which meets the requirements of said Order. Thus, the Order To Discontinue, Abate and Alleviate is no longer needed; and this action and underlying Order is **DISMISSED** as **MOOT**.

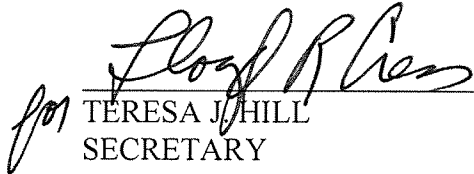
3. Pregis **SHALL** comply with said Compliance Plan, as otherwise agreed to by the parties.

4. The related action between these parties, designated by File No. DOW-33153-039, remains on the active docket of the Office of Administrative Hearings for further administrative proceedings.

5. This is a FINAL and APPEALABLE Order.

ENTERED THIS 11th day of Sept., 2007.

ENVIRONMENTAL AND PUBLIC
PROTECTION CABINET


for TERESA J. HILL
SECRETARY

APPEAL RIGHTS

In accordance with the provisions of KRS 224.10-470 and KRS 151.186, appeals may be taken from Final Orders of the Cabinet by filing in Circuit Court a Petition for Review. Such Petition must be filed within thirty (30) days from the entry of the Final Order, and a copy of the Petition must be served upon the Cabinet.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing SECRETARY'S FINAL ORDER was, on this 11th day of Sept., 2007, mailed by first-class mail, postage prepaid, to:

HON. PHILLIP J. SCHWORER
HON DENNIS J CONNIFF
FROST BROWN TODD LLC
2200 PNC CENTER
201 E 5TH ST
CINCINNATI OHIO 45202-4182

MR. MICHAEL NADEAU, PLANT MANAGER
PREGIS INNOVATIVE PACKAGING INC
300 HARRIS ROAD
WURLAND KY 41144

and hand-delivered to:

HON. MARY A STEPHENS
Environmental and Public Protection Cabinet
Office of Legal Services
Fifth Floor, Capital Plaza Tower
Frankfort, KY 40601.



DOCKET COORDINATOR

Distribution:

Division of Water
Hearing Officer
LTS
File No. DOW-33153-039
Order File

COMMONWEALTH OF KENTUCKY
ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
FILE NO. AAO-28726-039

FILED

AUG 06 2007

Office of Administrative Hearings

ENVIRONMENTAL AND
PUBLIC PROTECTION CABINET

PLAINTIFF

VS

**HEARING OFFICER'S REPORT AND
RECOMMENDATION; AND ORDER CANCELING HEARING**

PREGIS INNOVATIVE PACKAGING, INC.

DEFENDANT

* * * * *

This matter came before the undersigned Hearing Officer on August 3, 2007, upon a joint telephonic motion by the parties to cancel the administrative hearing scheduled for Monday, August 6, 2007. This hearing was scheduled to give the Defendant, Pregis Innovative Packaging, Inc. (Pregis), the opportunity to contest the Secretary's Order To Discontinue, Abate and Alleviate, which Order was entered on July 26, 2007. The Hon. Mary A. Stephens appeared on behalf of the Environmental and Public Protection Cabinet (Cabinet). The Hon. Phillip J. Schworer appeared on behalf of the Defendant, Pregis.

The basis for this joint motion is that counsel report that Pregis has fully complied with the Secretary's Order by timely submitting and obtaining the Cabinet's approval for a Compliance Plan which meets the requirements of said Order. Thus, the hearing is no longer needed and this action is **MOOT**.

Based on the above and being otherwise sufficiently advised, **IT IS HEREBY RECOMMENDED and/or ORDERED AS FOLLOWS:**

1. The hearing on the Order to Discontinue, Abate and Alleviate , which is scheduled for **Monday, August 6, 2007, at 1:30 PM, ET**, in the auxiliary conference room at the Office of Administrative Hearings, 33 Fountain Place, Frankfort, Kentucky 40601 is **CANCELED**.


2. Counsel shall appear for the initial prehearing conference in the related case designated by File No. DOW-33153-039, which is scheduled for August 23, 2007, at the hour of 1:30 PM, ET in the conference room of the Office of Administrative Hearings located at 35-36 Fountain Place, Frankfort, Kentucky 40601. However, counsel may appear telephonically for this conference by calling the Office at the designated time.

3. The Secretary's Order To Discontinue, Abate and Alleviate, which Order was entered on July 26, 2007, is recommended to be **DISMISSED** as having been fully and timely complied with.

4. It is recommended that Pregis be Ordered to fully and timely comply with its **COMPLIANCE PLAN**, as the parties have otherwise agreed.

5. A tendered Final Order consistent with this recommendation is attached to this report for the Secretary's consideration.

So ORDERED and/or RECOMMENDED this the 6th day of August, 2007.



STEVE BLANTON, HEARING OFFICER
OFFICE OF ADMINISTRATIVE HEARINGS
35-36 Fountain Place
Frankfort, Kentucky 40601
Telephone: (502) 564-7312
Fax: (502) 564-4973

EXCEPTION RIGHTS

Pursuant to KRS 224.10-440, any party may file Exceptions to this report and Recommended Order within fourteen (14) days of receipt of this Report. The Secretary will then consider this Report, any Exceptions, and the recommended Order and decide this case.

CERTIFICATE OF SERVICE

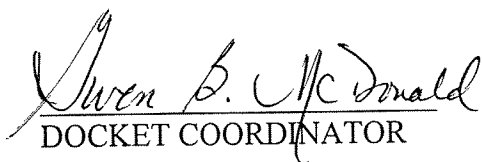
I hereby certify that a true and accurate copy of the foregoing Hearing Officer's Report and Recommendation; and Order Canceling Hearing was, on this 6th day of August, 2007, mailed by first-class mail, postage prepaid, to:

HON. PHILLIP J. SCHWORER
HON DENNIS J CONNIFF
FROST BROWN TODD LLC
2200 PNC CENTER
201 E 5TH ST
CINCINNATI OHIO 45202-4182

MR. MICHAEL NADEAU, PLANT MANAGER
PREGIS INNOVATIVE PACKAGING INC
300 HARRIS ROAD
WURLAND KY 41144

and hand-delivered to:

HON. MARY A STEPHENS
Environmental and Public Protection Cabinet
Office of Legal Services
Fifth Floor, Capital Plaza Tower
Frankfort, KY 40601.


DOCKET COORDINATOR

Distribution:

Division of Water
Hearing Officer
LTS
Court Reporter: Bluegrass Court Reporting
File No. DOW-33153-039

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sb: 8/6/07